

R E M A R K S

Claims 1 and 36-40 are now in this application, new claims 36-40 having been added in this amendment. Claim 1 stands rejected and is now presented for reconsideration in view of the foregoing amendment and the following remarks.

Claim 1.

Claim 1 was "rejected under 35 USC §102(b) as being anticipated" by the Hamano reference. To overcome this rejection, claim 1 has been amended as indicated above. In particular, claim 1 now recites a "method for directing a computing device to conduct a game of chance", including steps of "generating a subject game element having a first class", "displaying the subject game element, thereby displaying an indicia of the first class", "in response to expiration of a period of time, assigning a second class to the subject game element" and "displaying the subject game element, thereby displaying an indicia of the second class". In particular, claim 1 has been amended to recite that the step of "assigning a second class to the subject game element" is performed "in response to expiration of a period of time". Support for this newly recited feature in claim 1 is found at page 19, line 16 to page 20, line 16 of the present application.

It is noted that in the Hamano reference, upon which the Examiner relied in rejecting claim 1, the assigning of a second class to a subject game element occurs upon a corresponding action initiated by the player of the video poker machine described in Hamano, and does not occur in response to expiration of a period of time, as now recited in claim 1. Accordingly it is submitted that claim 1, as now amended, is patentably distinguished from the Hamano reference. It is therefore requested that the rejection of claim 1 based on Hamano be reconsidered and withdrawn.

Claims 36 and 37.

New claims 36 and 37 are dependent on claim 1 and are submitted as patentable on the same basis as claim 1. Claim 36 recites the additional features of assigning the first class to a second subject game element and displaying the second subject game element, thereby displaying the indicia of the first class simultaneously with the indicia of the second class. Support for these features is found at page 13, lines 5 and 6 of the present application.

Claim 38.

New claim 38 is an independent claim and is directed to a "method for directing a computing device to conduct a game of chance", including steps of "generating a subject game element having a first class", "displaying the subject game element, thereby displaying an indicia of the first class" and "displaying an indicia representing forthcoming expiration of the first class corresponding to the subject game element". Support for the feature of "displaying an indicia representing forthcoming expiration of the first class corresponding to the subject game element" is found at page 19, lines 4-15 of the present application. It is noted that neither Hamano nor the other prior art of record discloses the claimed feature of displaying an indicia representing forthcoming expiration of a first class corresponding to a subject game element. It is accordingly submitted that claim 38 is patentable over the prior art of record.

Claim 39.

Claim 39 is dependent on claim 38 and is submitted as patentable on the same basis as claim 38. Furthermore, claim 39 recites the additional feature that the "step of displaying an indicia representing forthcoming expiration of the first class includes displaying a countdown display". Support for this feature is found at page 15, lines 1-2 of the present application.

Claim 40.

New claim 40 is an independent claim directed to a "method for directing a computing device to conduct a game of chance", including steps of "generating a subject game element having a first class", "displaying the subject game element, thereby displaying an indicia of the first class" and "actuating a lock button to prevent the subject game element from expiring". The feature of "actuating a lock button" is supported at page 14, lines 6-14 of the present application. It is noted that neither the Hamano reference nor the other prior art of record discloses the claimed feature of "actuating a lock button to prevent the subject game element from expiring". Accordingly, it is submitted that claim 40 is patentable over the prior art of record.

RCE.

To remove the finality of the pending Office Action and to obtain consideration of the amendments set forth herein, a Request for Continued Examination is submitted herewith together with the requisite fee.

Conclusion

For the foregoing reasons it is submitted that all of the claims are now in condition for allowance and the Examiner's early re-examination and reconsideration are respectfully requested.

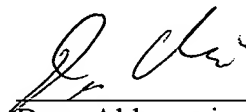
Alternatively, if there remains any question regarding the present application or any of the cited references, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is cordially requested to contact Dean Alderucci at telephone number 203-461-7337 or via electronic mail at Alderucci@WalkerDigital.com.

Applicants believe no fee is due. Please charge any additional fees that may be required for this Response, or credit any overpayment to Deposit Account No. 50-0271.

If an extension of time is required, or if an additional extension of time is required in addition to that requested in a petition for an extension of time, please grant a petition for that extension of time which is required to make this Response timely, and please charge any fee for such extension to Deposit Account No. 50-0271.

Respectfully submitted,

July 10, 2001
Date



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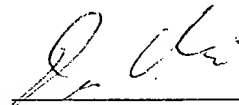
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**C L A I M A M E N D M E N T S
M A R K E D U P F O R M**

Claim 1 has been amended as follows:

1. (Amended) A method for directing a computing device to conduct a game of chance, the method comprising the steps of:

 generating a subject game element having a first class;

 displaying the subject game element, thereby displaying an indicia of the first class;

in response to expiration of a period of time, assigning a second class to the subject game element; and

 displaying the subject game element, thereby displaying an indicia of the second class.

Claims 36-40 have been added.